O/cloth Rationing/49

File No. 33/49

Legal Department

G. **BRANCH**

Subject:—

Opinions On the Bombay Cloth Rationing Order, 1948

1949.

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O/cloth Rationing/49

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C O N T E N T S.

Legal Department File No. O./Cloth Rationing /49.

No.	R.I./O.No.	Subject	pages
		Opinions under the Bombay Cloth Dealers Licensing Order, 1948.	
1.	G-255 6-4-49 G-383 18-5-49.	Clause 5 Whether the firm M/s Sumanlal Manchand has committed breach of clause 5 by selling 8 bales of Sholapur coating in Bombay without authorisation from the P.T.C. - the bales being purchased by him from one of the bidders at Court Receiver's action sale at Sholapur .-	1-2 (pp. 1-2 and 5-6 not copied).
	G-256 6-4-49.	Clause 5 .- Whether prosecution can be launched against M/s Villabhdas Jamnadas Bombay, for selling 42 bales of Sholapur Mills coating # in Bombay without the authorisation from the P.T.C. .-	7-10 (Copies not made).
	G-452 17-6-49.	Clause 5 .- Whether prosecution can be launched against M/s Previnchandra Shantilal of Bombay for selling 21 bales of the Sholapur Mills .C.B. coating in Bombay without the cloth being price stamped by the P.T.C. .-	11-14 (Copies not made)
	G-664 22-11-1949	Clauses 5 and 7. Whether the readymade clothes dealers of Bombay who had bought rationcloth which formed part of the stocks disposed of by the High Court, Receiver at the Sholapur Auction sale ,-cut out ration documents and sold garments made out of it can be prosecuted under clauses 5 and 7.	15-18 (pp. 15-16 not copied).

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5 copies.

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The view expressed by the Police Prosecutor does not appear to be entirely correct. In this connection please see R.L.A.'s Opinion No. 5084 dated 28/5/48 given in connection with the disposal ofsome of the bales by M/s. Ganesh & Co. which were bought by them from a dealer in Ahmedabad who purchased them from one of the bidders at the Court Receiver's auction sale at Sholapur. As stated in that opinion only the buyers at the auction were exempt from the restrictions regarding transport and disposal but the subsequent purchasers were bound by the restrictions imposed on them by the law for the time being in force and cannot claim exemption especially from the Rationing Regulations. The Cloth being of rationed variety the dealers in Bombay who dealth with it in contravention of Clause 5 of the Bombay Cloth Rationing Order are liable to be prosecuted.

2. As regards the possession of cloth with partial markings, the offence should be treated as technical as the District Magistrate was wrong in only making the partial markings.

3. For failure to declare fax xxxxxh stocks, action could have been taken against these dealers for breach of Clause 17 of the Bombay Cotton Cloth Trade Regulation Order, 1945 but it seems the Provincial Textile Controller's old records are not properly maintained and as the parties have produced the duplicates of the declarations, there is no evidence to show that the originals were not xxxx received.

4. In such cases, therefore, action should be confined to Clause 5 of the Bombay Cloth Rationing Order, 1945 only

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U.O.R. to the P.T.C. (VII, No.T-255 , dated 6-4-49

S.C. 28/7

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The tailors who purchased the rationed cloth for preparing garments or ready-made cloths are liable to be prosecuted for breach of Clause 7 of the Bombay Cloth Rationing 2nd order. The view taken by Deputy Provincial Textile Controller in his note dated 28th October 1949 at page 43 is therefore correct.

The Police Prosecutor's opinion (copy at page 35) that all these merchants who sold the goods outside the Bombay Ration Area are not liable for prosecution under Clause 5 of the Bombay Cloth Rationing Order is not correct. No matter whether the sale is completed in the Bombay Ration Area or not, under Clause 5 even supply or attempt to supply rationed cloth to any person by a non-Ration Cloth Distributor is an offence and, therefore, in such cases also the dealers in Bombay are liable to be prosecuted for breach of Clause 5 of the Bombay Cloth Rationing Order.

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U.R. to P.T.C. No. G/664 , dated the 22nd November 1949.

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